



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2302592

Applicant Name: Carl Nelson

Address of Proposal: 2408 Delmar Drive East

SUMMARY OF PROPOSED ACTION

Master Use Permit for future additions and alterations to an existing single family residence.

The following approvals are required:

Variance - to allow a portion of the principal structure into the required front yard.
(SMC 23.44.014.A)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is 2,728 square feet in size and is located in the Northeast neighborhood of Seattle. The property is zoned single family 5000 zone (SF 5000) and contains steep slope and potential slide areas. The site contains one three-story single family residence. The front yard follows the southwesterly arc of Delmar Drive East and measures 77.08 feet in length. The northwestern property line measures 67.84 feet; the east property line measures 40.63 feet; the

southeast property line measures 31.54 feet. The property is sloped; the high side being the western frontage of Delmar Drive East, the low side at the northeast corner, a difference of approximately 11 feet. The northeast quarter of the site is mapped steep slope; the remainder is mapped potential slide. The existing structure is situated in the center of the property and is nonconforming in the front yard; 19" to the property line, the rear yard; 7'-5" and side yard of 3'-1" along the east property line.

Development in the Vicinity

All parcels along Delmar Drive East are zoned SF 5000 and are developed with single family uses. Delmar Drive East has several examples of nonconforming structures in the front yard setback. The structure directly to the west of the project site (2418 Delmar Drive East) has a nonconforming porch 5'-0" from the front property line.

Proposal Description

The applicant has proposed an addition to the existing structure; by enclosing an existing ground level, covered front porch, which would maintain the nonconforming front yard setback, and increase the bulk, but not the scale of the structure. The enclosure of the porch would not increase the size of the existing footprint, but the proposal to enclose the area under an existing cantilever would extend beyond the existing structural support for the floors above.

Public Comment

Public notice of the proposed project ended on May 28, 2003. During the entire comment period no letters were received.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Land Use code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

Unusual conditions applicable to the subject property, which were not created by the owner or applicant, are found in the size and shape of the property. Sub-standard in size, the property was substantially reduced by condemnation for the creation of Delmar Drive East, resulting in the existing 2,728 square feet. The footprint of the house spans most of the site and is nonconforming for all but the west side setback. The proposed covered porch is nonconforming with respect to the front yard setback. The code requirement is 10'-9", the corner of the porch is 7'-10" from the property line. The conditions are unusual but do not contribute to a hardship. The existing house has already achieved a significant size compared to other homes in the area.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance goes beyond the minimum necessary to afford relief and constitutes a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone. The proposed addition is to expand the living area by enclosing a front porch. Properties to the west of the subject property also feature nonconforming front porches, but these porches are open. The nonconforming portion in the front yard setback is triangular and measures approximately 22.75 square feet. It is possible to design a foyer under the covered porch, within the building area complying with the Land Use Code, albeit with a smaller square footage.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

No significant impacts to the neighborhood character are anticipated as a result of this proposal. Visual impacts to the neighborhood would be unobtrusive. The property across Delmar Drive East is steep vacant park land. Delmar Drive East is a fairly steep minor arterial, and since the property is located on a curve, the change would not be perceptible by motorists. The single family residences on either side, along the curving street, would not have a direct view of the enclosure. Granting this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in zone or vicinity in which the subject property is located. Although increased bulk may be somewhat detrimental, the detriment is not likely to be materially detrimental.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.*

The literal interpretation and strict application of the applicable provisions or requirements of the Land Use Code, which denies the applicant the ability to expand or extend a nonconforming structure in this manner that increases the extent of the nonconformity, would not cause undue hardship or practical difficulty. The proposal's objective is to create a functional foyer to accommodate the host and guests, which could be accomplished without benefit of a variance.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The height and front yard regulations for the area use existing adjacent single family residences to determine bulk and siting patterns for future construction. Front yard requirements in single family neighborhoods are an effort to preserve the existing bulk and siting patterns. The existing structure is taller and bulkier than the neighboring lower structures, enclosing the porch would further increase the bulk and scale. Therefore granting the requested variance would not be consistent with the adopted Land Use Code regulations for the area.

DECISION-VARIANCE (based upon plans on file)

The proposed variance to allow a portion of the principal structure into the required front yard is **DENIED.**

Signature: _____ (signature on file) Date: July 21, 2003
Lauren Hirt, Land Use Planner
Department of Design, Construction and Land Use

LH:bg

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